

REMARKS

In order to narrow the issues on appeal, Applicants have amended the claims to address the rejection under 35 U.S.C. § 112 ¶ 2.

In paragraph 6a of the Examiner's arguments, the Examiner argues that the claims do not specify what part of the balloon the claimed dimensions correspond to. In response, Applicants have amended claims 1, 3-4, 22 and 24-25 to clarify that the claimed diameter dimensions refer to the working length diameter. When one of ordinary skill in the art refers to the "diameter" of a balloon, it is understood that the diameter refers to the diameter of the balloon along the working length of the balloon. This understanding is reflected in Applicants' specification and in the declaration of David G. Burton submitted August 12, 2010. By contrast, when the claims refer to dimensions for the radii, these dimensions correspond to specific transitions. For example, in claim 1, for a balloon having a working length diameter of 3 mm, the radius of the "proximal working length-to-taper transition" is required to be from 0.97 to 3.3 mm. The proximal working length-to-taper transition is, as its name suggests, the transition between the working length and the taper. For example, in Figure 2, the working length is identified as 235; the proximal conical region, or taper, is identified as 230; the proximal working length-to-taper transition is identified as 252; and the radius of the working length-to-taper transition is identified as 265. Thus, claim 1 relates specifically to a radius at transition 252 as shown in Figure 2.

In paragraph 6b of the Examiner's arguments, the Examiner argues that it is unclear whether the claimed diameters refer (i) to a single balloon at different stages, or (ii) to separate balloon embodiments with different diameters. The Examiner further suggests that if the latter possibility was intended that the claims could be clarified by changing the conjunction "and" to "or." As the specification makes clear, the claimed diameters refer to different balloon embodiments, not different stages of a single balloon. (e.g., ¶ [0046]). Therefore, the amendment

proposed by the Examiner is appropriate and should overcome the Examiner's rejection of the claims. Thus, Applicants have amended claims 1, 3-4, 22 and 24-25 to change the conjunction "and" to "or."

Conclusion

In response to the Examiner's comments, Applicants have amended claims 1, 3-4, 22 and 24-25 to clarify the claims and overcome the § 112 rejection. Applicants maintain their position that, based upon a proper interpretation of the claims, none of the prior art of record discloses or suggests all of the limitations required by the claims as now presented. Thus, Applicants' claims are allowable. Accordingly, Applicants request reconsideration and allowance of the application.

Respectfully submitted,

/Richard E. Stanley, Jr./
Richard E. Stanley, Jr.
Registration No. 45,662
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200